

58-4103. Certification or licensure, when required; temporary certification or licensure; penalty for violations. (a) Except as provided in subsection (b), no person, other than a state certified or licensed appraiser, shall:

(1) Engage in any written appraisal in connection with a ~~federally related~~ **real estate-related financial** transaction ~~for which certification or licensure is required pursuant to federal law; or ;~~

(2) assume or use the title of state certified or licensed appraiser or any title, designation or abbreviation likely to create the impression of certification **or licensure** as a real estate appraiser by this state. **or**

**(3) advertise or otherwise represent in any manner that such person is a state certified or licensed appraiser.**

(b) The board shall recognize on a temporary basis the certification or license of an appraiser issued by another state ~~in accordance with federal law if:~~

(1) The property to be appraised is part of a ~~federally related~~ **real estate-related financial** transaction ~~pursuant to federal law;~~

(2) the appraiser's business in this state is of a temporary nature; and

(3) the appraiser registers with the board, as prescribed by the board.

(c) Violation of subsection (a) is a class-B misdemeanor **level (?) non-person felony.**

~~(d) The provisions of this act requiring certification or licensure or the issuance of a certificate or license authorizing the practice of real estate appraisal shall not be construed to prevent a person who is not a state certified or licensed real estate appraiser from appraising real estate for compensation if state certification or licensure is not required pursuant to federal law.~~

~~(e)~~ **(d)** An individual who is not a state certified or licensed appraiser may assist in the preparation of an appraisal if: (1) The assistant is under the direct supervision of an individual who is a state licensed or certified appraiser; and (2) the final appraisal document is approved and signed by an individual who is a state certified or licensed appraiser.

**(e) The provisions of paragraph (1) of subsection (a) shall not be applicable to financial institutions engaging in real estate-related financial transactions and**

1 *otherwise subject to K.S.A. 58-4101 et seq., and amendments thereto, when the*  
2 *following conditions are met:*

3 *(1) An employee of the financial institution conducts an appraisal as*  
4 *defined in subsection (a) of K.S.A. 58-4102, and amendments thereto; and*

5 *(2) when the loan that is the subject of such appraisal is not intended to be*  
6 *sold in the secondary market and is intended to be held by the financial*  
7 *institution for the life of the loan.*

8 *If the financial institution disposes of such loan in the secondary market,*  
9 *such financial institution shall be required to obtain an appraisal by a state*  
10 *licensed or certified appraiser as required by paragraph (1) of subsection (a) and*  
11 *the employee of the financial institution conducting such appraisal shall not be*  
12 *otherwise considered to be an appraiser under the law unless such persons is*  
13 *licensed or certified.*

14 *(f) The provisions of paragraph (1) of subsection (a) shall not be applicable*  
15 *to licensed real estate brokers or licensed real estate salespersons when such*  
16 *brokers or salespersons are performing a brokers price opinion or a comparative*  
17 *market analyses for the purpose of listing or selling real estate.*

18 *(g) The provisions of paragraph (1) of subsection (a) shall not be applicable*  
19 *to licensed attorneys to the extent that such attorneys are engaged in the practice*  
20 *of law or as otherwise allowed by law.*

21 History: L. 1990, ch. 270, § 3; L. 1991, ch. 164, § 3; May 2.

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